IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1255 OF 2005

IN

SUIT NO.1338 OF 1982

Mr.Chandru Lachmandas ...Plaintiff

Versus

Ravi Soans of Bombay ...Defendant

And

Sai Krupa Builders & Developers

Pvt.Ltd. ...Respondents

.....

Mr.Kapadia i/b Maneksha & Sethna for Plaintiff.

Mr.Milind Sathe with Mr.A.G.Almeida for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

OCTOBER 18, 2005.

P.C.

1. Heard Counsel for the parties.

2. This Chamber Summons is taken out by the Plaintiff to add Saikrupa Builders and Developers

Pvt.Ltd. as party Defendant to the pending Suit.

3. It is seen that the Suit is for specific performance filed against the Defendant. To such a Suit, third party cannot be impleaded as Defendant. This is so because the Respondent cannot be said to be necessary or proper party.

4. The argument canvassed on behalf of the Plaintiff that the Plaintiff is seeking relief in respect of remainder period of Lease, clearly overlooks that the lease has expired in 1995. The property has been developed thereafter. In such a situation, it is not possible to take the view that Respondents are either necessary or proper party to the Suit. In any case, Plaintiff has registered Lis-Pendente in 1982. The steps taken by the owner in respect of the suit property will be governed by the Lis Pendente. In any case, there is no reason to entertain the present Application for impleadment of Respondent. The same is dismissed.

A.M.KHANWILKAR, J.